REMARKS/ARGUMENTS

Claims 1-24 stand rejected under 35 USC 103(a) as unpatentable over the admitted prior art (APA) in view of Smyers and further in view of Lau.

The references applied in the Office Action fail to teach or suggest all of the limitations of the present claims. Moreover, there is no suggestion or motivation to combine the references as suggested in the office action. For at least these reasons, it is submitted that the Office Action fails to establish a *prima facie* case of obviousness.[1]

The Prior Art

The APA

The APA is directed to a processing system, such as a PC, that controls a digital audio playback device, such as a CD or MP3 player. For example, an MP3 player may be controlled by a user interface on the MP3 player itself or on a PC. The PC or MP3 player can download from the Internet libraries that contain application programming interfaces (APIs) for the MP3 player. This allows the PC to control the MP3 player.[2]

The Office Action states that the APA includes a reverse DAPD API, citing to page 4, line 12-15 of the application as filed. To the contrary, the cited portion of the specification states that the APIs for DAPDs are often agreed to by several manufacturers of DAPDs. This standardization allows consumers to choose from among several user interface applications to operate their audio playback device.

As correctly noted by the Examiner, the APA also does not teach or suggest a processor capable of executing a reverse DAPD API, where the reverse DAPD API causes the MP3 player's processor to access and control a user interface executed by the PC and displayed on a monitor associated with the PC. Smyers and Lau are cited in an attempt to remedy this deficiency in the APA.

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[1] MPEP 2143.
[2] The MP3 player and PC are non-limiting examples presented for ease of explanation only.

Smyers

Smyers is directed to an API for managing and automating data transfer between applications over a bus structure. More particularly, Smyers is directed to an API which implements isochronous transfer features of the IEEE 1394 standard bus structure. According to Smyers, the objective is to automate and improve the efficiency of the data transfer,[3] especially in connection with the isochronous transfer of video data among various devices.

As shown in Smyers Figure 3, Smyers' system includes a video camera 50, a video cassette recorder 52, and a computer 54 connected by I/O busses 56, 58 (*e.g.,* an IEEE 1394 serial bus). The I/O busses allow video data to be transferred between the devices for display on the computer.[4]

As shown in Smyers Figure 2, an API 20 manages the transfer of data between applications 22, 24 resident on the various devices and the bus 28. According to Smyers, the API 20 manages both asynchronous and isochronous data transfers. In the passages focused on in the Office actions, Smyers API 20 teaches the use of various buffers 32, 34, 36 to manage the transfer of the video data over the bus at the appropriate time.[5]

Lau

Lau is directed to user interfaces and interactive processing environments for video editing. To this end, Lau teaches that certain plug-ins 16 (with the corresponding API) may be bundled individually on separate storage media.[6]

The Present Specification

The present specification describes a digital audio playback devices (DAPDs) such as CD or MP3 players and related processing systems such as personal computers (PCs).[7]

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[3] *Smyers*, col. 3:3-10.
[4] *Smyers*, col. 3:65-col. 3:6.
[5] *Smyers*, col. 5:30-42; col. 9:3-28.
[6] *Lau*, col. 5:21-26.

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As discussed more fully in the present specification, the on-board user interfaces (UIs) built into audio playback devices often have relatively limited functionality. Consequently, audio players are increasingly being connected to processing systems such as PCs which include a user interface application (a "connected UI"). The connected UI allows the user to interact with the audio player, and may provide additional convenience and features not provided by the audio player's on-board UI.

As also discussed more fully in the present specification, connected UIs are often designed to be used with audio players from various manufacturers. Consequently, the developers of connected UI's are often reluctant to develop user interface applications which are customized for each manufacturer. Audio player manufacturers, on the other hand, would like to have the ability to control the user interface software from their audio player (or associated driver), for example to have a manufacturer-specific logo displayed on the UI or to allow the user to connect to a manufacturer specified web site.

Independent claims 1, 7, 13, and 20

Turning now to the claims, independent **claim 1** is directed to an audio playback device such as an MP3 player, independent **claim 7** is directed to a processing system such as a PC, independent **claim 13** is directed to a related method, and independent **claim 20** is directed to a related computer readable storage medium.

In each case, the independent claims require a reverse DAPD API which enables the digital audio playback device[8] to access and control a user interface associated with a user interface application program of a connected processing system. The user interface is displayed on a monitor screen associated with the processing system. As correctly noted by the Examiner, this requirement is not disclosed in the APA.[9]

Neither Smyers nor Lau, alone or in combination, remedy this deficiency.

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[7] Again, the MP3 player and PC are non-limiting examples presented here and elsewhere in this Amendment for clarity of explanation.

[8] Or, in the case of claim 1, the DAPD's processor.

[9] It is also noted that the APA does not disclose a reverse API.

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More specifically, Smyers does not disclose a reverse DAPD as required by the present claims. Smyers is directed a technique intended to automate and improve the efficiency of video transfers over a bus structure. To this end, Smyers discloses an API which manages the isochronous transfer of video data between devices. Smyers does not, however, disclose or suggest a reverse DAPD API which allows an audio playback device to access and control a user interface application program of a processor.

The cited portion of Lau merely suggests that that a plug-in and an API may be bundled on computer disks or other desired storage media.

Consequently, the references set out in the Office Action fail to disclose or suggest all of the limitations of the present claims.

In addition, there is no explicit or implicit suggestion or motivation to combine the references. The Office Action suggests that it would be obvious to combine the APA and Smyers to

> improve the efficiency of APA's system by allowing automated generation of transactions necessary to complete a data transfer with permitting a high degree of hardware automation, if needed by the application.[10]

The Office Action further suggests that it would be obvious to combine

> the teaching of APA, Smyers and Lau because Lau's external interface would improve the efficiency of APA and Smyer's systems by allowing the processor to executed the APA to access a video sequence and video objected segmentation.[11]

As described above, the APA is directed to processing systems (*e.g.*, PCs) having user interfaces which allow a user to control an audio player. Smyers, on the other hand, is directed to techniques for techniques for automating and improving the efficiency of video data transfers over a bus structure. Lau is directed to techniques for video editing. In view of these divergent purposes, there is no suggestion or motivation to combine the

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[10] Office Action page 3.
[11] Office Action page 4.

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cited references to provide an apparatus or method which allows an audio player to access and control a user interface application program as required by the present claims.

It is also submitted that Office Action improperly applies a two-step reasoning process to combine the APA, Smyers, and Lau. More particularly, it is submitted that the Office Action first combines the APA and Smyers to arrive at an intermediate result, and then applies Lau to the intermediate result. The present rejections should be withdrawn for this additional reason.

Dependent Claims 2, 8, 14, and 21

The Office Action cites to Smyers col. 9, ln 3-13 to reject dependent **claims 2, 8, 14,** and **21**.

However, the cited portion of Smyers teaches that an API 20 is used to mange the flow of data from a bus structure to buffers 32, 34, and 36 for display on a video monitor 22. It does not disclose or suggest a DAPD API which includes executable instructions capable of communicating with and controlling an operation of the user interface application program.

Dependent Claims 3, 9 and 15

Dependent **claims 3** and **9** have been amended to require that the DAPD include first data which identifies a manufacturer of a playback device.

As amended, claim 3 also requires that the reverse DAPD API be capable of causing an identity of the manufacturer be displayed on the monitor screen in a human-readable form. Claim 9 now requires that the reverse DAPD API be capable of causing an identity of the manufacturer to be displayed in at least a portion of the displayed user interface. Amended claim 15 requires that the step of executing the reverse DAPD includes using the first data to vary at least a portion of the user interface.

As will be appreciated, the foregoing limitations are not disclosed or suggested by Smyers at page 4, line 1-3 or otherwise.

Dependent Claims 4, 10, 16, and 17

Dependent **claims 4, 10,** and **16** are not substantively amended. These claims require that the reverse DAPD API include first data associated with manufacturer of the digital audio playback device. They also require that the reverse DAPD API be capable of enabling the playback device to access and control the at least a portion of the user interface to display the first data in at least a portion of the user interface.

It is submitted the foregoing limitations are neither disclosed nor suggested by Smyers. More particularly, the portions of Smyers cited in the Office Action discuss the transfer of video data (*e.g.*, a video, movie, or the like) to be displayed on a monitor. Smyers thus fails to disclose data associated with the manufacturer of an audio playback device. Moreover, Smyers does not disclose a reverse DAPD API which enables the audio player to access and control a user interface to display the manufacturer-associated data in a user interface of a processing system.

Claim 17 likewise has not been substantively amended. Not only does Symers fail to disclose manufacturer-associated data, it also fails to disclose or suggest the display of such data in at least a portion of the user interface.

Dependent claims 5, 11 and 18

Dependent **claims 5, 11** and **18,** which depend from claims 4, 10 and 17 respectively, require that the manufacturer-associated data displayed on the user interface include a graphics file which includes a logo image associated with the manufacturer of the audio player.

The Background section of the present application restates a problem recognized and addressed by the inventor of the present application. Indeed, manufacturer's logos are ubiquitous. As will be appreciated, however, neither the APA nor the prior art of record discloses or suggests the display of a logo as required by these claims. Moreover, the APA fails to disclose or suggest the display of a graphics file which includes the requisite logo image.

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Dependent claims 6, 12 and 19

Dependent **claims 6, 12** and **19,** which depend from claims 4, 10 and 17 respectively, require that the manufacturer-associated data displayed on the user interface include a URL associated with a web site associated with the manufacturer of the audio player.

The Background section of the present application recognizes and restates a problem recognized and addressed by the inventor of the present application. Indeed, web site URLs are ubiquitous. As will be appreciated, however, neither the APA nor the prior art of record discloses or suggests the display of a URL as required by these claims.

Claims 22-24

It is submitted that dependent **claims 22-24** are likewise allowable at least by virtue of their dependency from their respective base claims.
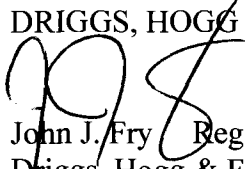
Further Correspondence

The Examiner is asked to continue to direct communications relating to this Amendment to:

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CONCLUSION

In view of the foregoing, it is submitted that claims 1-24 distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

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